

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
JULY 17, 2006
6:30 P.M.**

The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, Central Services Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner David Sandifer, Chairman
Commissioner Phil Norris, Vice-Chairman
Commissioner May Moore
Commissioner Tom B. Rabon, Sr.
Commissioner William M. Sue

STAFF: Marty K. Lawing, County Manager
Steve Stone, Assistant County Manager
Huey Marshall, County Attorney
Jana Berg, Assistant County Attorney
Debby Gore, Clerk to the Board
Ann Hardy, Fiscal Operations Director

Sergeant Mark Trull

I. CALL TO ORDER

Chairman Sandifer called the meeting to order at 6:30 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner Moore gave the Invocation and led the Pledge of Allegiance.

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Sandifer asked if there were any adjustments to the agenda. The following adjustments were made:

1. The County Manager requested to add approval of Final Adjusting Change Order (Change Order No. 1) on Contract No. 5 with R.H. Moore Co. Inc. for the West Brunswick Regional Wastewater Project as Item VII-8.
2. The Assistant County Manager requested to add approval of a Resolution in Support of Any and All Actions Necessary to Ensure That the Oak Island and Sunset Beach Bridge Projects Proceed Without Further Delays as Item VII-9.
3. The Assistant County Manager requested to add approval of a Resolution in Support of NC House Bill 1093 "Moratorium Imposed on New Landfills" as item VII-10.

Commissioner Sue moved to approve the agenda as amended. The vote of approval was unanimous.

IV. PUBLIC COMMENTS

Chairman Sandifer asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda. The following citizens addressed the Board:

1. Vernon Ward, Shallotte Point Volunteer Fire Department member, spoke again concerning the unfairness of annexation regarding the Shallotte Point Fire Department that has existed for 21 years. Mr. Ward explained that a group of concerned citizens and firemen were going to Raleigh to discuss changing the fire fee laws and asked for support from the Board. It was consensus of the Board to schedule a meeting with Shallotte Town Officials, members of the Fire Department and Commissioners Norris and Sandifer.

V. APPROVAL OF CONSENT AGENDA

Commissioner Sue moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

- A. **Minutes**
1. May 3, 2006 Recessed Meeting/UDO Workshop
 2. May 4, 2006 Recessed Meeting/UDO Workshop

3. May 22, 2006 Flood Ordinance and Maps Public Hearing/Budget Workshop Minutes
4. May 23, 2006 Recessed Meeting/Budget Workshop Minutes
5. June 5, 2006 UDO Public Hearing Minutes
6. June 5, 2006 Regular Meeting Minutes Amended
6. June 12, 2006 Recessed Meeting/Budget Workshop Minutes
7. June 29, 2006 Emergency Meeting Minutes

B. Tax Matters

1. Motor Vehicle Valuation and Levy for March 2006 (**EB52-1**)
2. Tax Releases for July 2006 (**EB52-2**)

C. Finance (EB52-3)

1) Public Housing Fund Amendment 1-Increase \$90,000

General Fund Amendment 4-Increase Transfer to Public Housing Fund \$15,000

The County received notification of the award of the 2006 Urgent Repair Program from the North Carolina Housing Finance Agency in the amount of \$75,000 with a local match requirement of \$15,000. The department requests the funds be appropriated as follows: Office Supplies \$1,500, Travel Mileage \$750, Telephone \$250, Postage \$200, Advertising \$750 and Contracted Services \$15,000. Staff recommends that the local match of \$15,000 be funded by reducing non-departmental expenses and increasing transfer to Public Housing by \$15,000. There are local funds of \$15,000 involved in this amendment.

2) Emergency Telephone Service Fund Amendment 1-Increase \$118,164

General Fund Amendment 5-Increase \$93,510

Funds for the Tritex and Smartlink Grant were unspent at June 30, 2006 in the amount of \$118,164 in the Emergency Telephone Service Fund and \$93,510 in the General Fund. The EMS department requests the rollover of the unspent funds accumulated in the fund balance of each respective fund at the end of the fiscal year. Staff recommends an amendment to the ETS Fund of \$118,164 as follows: fund balance appropriated \$118,164 for computer software \$14,113, rent of equipment \$64,951 and capital outlay \$39,100. Staff recommends an amendment to the General Fund of \$93,510 as follows: fund balance appropriated \$93,510 for small equipment \$4,292, capital outlay equipment \$18,892 and capital outlay buildings \$70,326. There are local funds of \$93,510 that remained unspent on June 30, 2006 involved in this amendment.

3) General Fund Amendment 7-Increase \$25,200

Staff recommends an appropriation of general fund balance of \$25,200 to reimburse Varnantown the portion of the purchase price agreed to on June 5th, 2006 for parcel #23200004 to be used for a park. There are local funds of \$25,200 that remained unspent on June 30, 2006 involved in this amendment.

4) Wastewater Capital Project Fund Amendment 2-Increase \$5,000

Wastewater Fund Amendment 2-Increase Transfer to WW Capital Project \$5,000

The County engaged Hazen and Sawyer to design the sewer transmission system improvements phase 1 and included in the contract reimbursement of expenses. Staff recommends an appropriation of \$5,000 to the project for the estimated amount of reimbursable expenses to be charged by the firm. The entire amount of the project is intended to be reimbursed from debt proceeds of the projected 2007 revenue bond proceeds.

5) General Fund Amendment 6-Increase \$20,500

Funds appropriated at June 30, 2006 but unspent accumulated in the fund balance at the end of the fiscal year. Staff recommends \$2,500 of grant funds received for a mascot costume be appropriated for the costume in the 07 fiscal year. Staff recommends \$18,000 of county funds appropriated for the asphalt at the complex gas site be appropriated for the project in the 07 fiscal year. There are local funds of \$18,000 that remained unspent on June 30, 2006 involved in this amendment.

6) ROD-Technology Enhancement Fund Amendment 1-Increase \$77,570

The Register of Deeds requests an appropriation of fund balance in the ROD Technology Enhancement Fund for salaries and benefits totaling \$77,570. There are no additional local funds involved in this amendment.

7) Local Option Sales Tax Report-The County received local option sales tax proceeds on July 12th for the month of May 2006 totaling \$19,426,791 compared to \$17,023,755 for the same period in the prior year an increase of \$2,403,036 or 14%. A report in total and for all articles is included in the packet.

8) Medicaid Expenditures Report-The County received notification of Medicaid expenditures for the month of June 2006 on July 12th in the amount of \$336,963. Total Medicaid expenditures for the fiscal year were \$4,204,376 compared to \$4,035,000 for the prior fiscal year for an increase of \$169,376 or 4.2%. A summary report is included in the packet.

9) Summary of Investment Earnings-The County recorded general fund investment earnings for the year of \$2,892,795 as compared to \$1,018,641 for the prior year for an increase of \$1,874,154 or 184%. A summary report is included in the packet.

10) County Capital Project Fund Amendment 2-Increase \$36,000

County Capital Reserve Fund Amendment 2-Increase Transfer to Project \$36,000

Wastewater Capital Project Fund Amendment 3-Decrease \$36,000

Wastewater Capital Reserve Fund Amendment 3-Decrease Transfer to Project \$36,000

Staff recommends correction of an appropriation for the phase 2 law enforcement center incorrectly recorded to the complex wastewater project. Staff recommends restoring the funds to the wastewater reserve and appropriation of fund balance in the county capital reserve to the phase 2 law enforcement center. There are no additional county funds involved in this amendment.

- D. **Home and Community Care Block Grant for Older Adults (HCCBG) FY 2006 – 2007.** Staff requests that the Board of Commisisoners authorize the Chairman to execute the Home and Community Care Block Grant for Older Adults (HCCBS) FY 06-07.(EB52-4)

Comment:

VI. PRESENTATION

1. NCDOT Comprehensive Transportation Plan (Monica Kerr) (EB52-4A)

Monica Kerr, North Carolina Department of Transportation representative gave a Power Point presentation of the NCDOT Comprehensive Transportation Plan. Ms. Kerr asked for volunteers to form a Steering Committee and it was consensus of the Board that Commissioner Moore, Vice-Chairman Norris and Leslie Bell, Planning Director would serve on this committee.

VII. ADMINISTRATIVE REPORT

1. Planning – Grant Award – Town Creek Boat Ramp - (Leslie Bell) (EB52-5)

Staff recommends that the Board of Commissioners approve and allocate matching funding and in-kind match for FY 2006-07 NC Coastal Management Program Grant on behalf of Brunswick County Planning Department for the Town Creek Access Site.

Leslie Bell, Planning Director explained that in 2000, Brunswick County purchased 6.4 acres of land for the purpose of creating a boat access site for public use. The site is situated just off U.S. 17 (Ocean Hwy.) and adjacent to Town Creek and can be easily accessed by the public. The location of this site is in a rapidly growing area of the County.

Total project cost is as follows:

Grant Awarded	\$53,888
Brunswick County Match	
In-Kind	\$14,183
Cash Match	\$14,517
Total Project Cost	\$82,618

The site will provide the public with spectacular view sheds of the creek that circles the park and of the wooded backdrop that encompasses the land. Town Creek is currently an undeveloped pristine black-water creek that will provide the public with a unique kayaking and canoeing experience. Town Creek is a prime example of the many beautiful natural resources within Brunswick County.

The Town Creek Access Site project is broken-down into phases given the ample opportunities that the site has to offer. Brunswick County is prepared to enter into Phase I of site improvements to the Town Creek Access Site that will consist of the following:

1. Installing a Canoe/Kayak Ramp
2. Installing 2 Concrete Picnic Tables
3. Install a Gravel Parking Lot
4. Deceleration Lane (required by NCDOT)

All trail work will be provided by the Brunswick County Operation Services and Maintenance Department in collaboration with the Brunswick County Parks & Recreation Department. Grant administration will be conducted by the Brunswick County Planning Department.

Commissioner Rabon moved to approve and allocate matching grant funding and in-kind match for FY 2006-2007 NC Coastal Management Program Grant on behalf of Brunswick County Planning Department for the Town Creek Access Site and the associated budget amendment. The vote of approval was unanimous.

2. Planning – Grant Award – Town Creek Nature Park - (Leslie Bell) (EB52-6)

Staff recommends that the Board of Commissioners approve and allocate matching grant funding and in-kind services for FY 2006-07 NC Coastal Management Program Grant on behalf of the Brunswick County Planning Department for the Town Creek Nature Park.

Leslie Bell, Planning Director explained that Staff requests the Board of Commissioners approval to allocate matching grant funding and in-kind services for FY2006-07 NC Coastal Management Program Grant on behalf of the Brunswick County Planning Department. This grant has been submitted and awarded to assist the Parks & Recreation Department in developing the 900 acre Town Creek Nature Park (land donated by the NC Coastal Land Trust). This request is in accordance with Priority sites as designated in the Brunswick County Shoreline Access Plan completed by the Brunswick County Planning Department in 2003. Brunswick County is prepared to enter into Phase I of the site improvements to the Town Creek Nature Park. Phase I will consist of the following:

1. Installing Canoe and Kayaking Ramp
2. Installing a Gravel Access Road (including grading & 7 turn lanes for emergency vehicles)
3. Picnic Shelters (16 tables, 4 grills and 6 trash receptacles)
4. Install 2 Gravel Parking Lots
5. Site Plan Design Work

Trail work will be provided by Brunswick County Operation Services and Maintenance Department in collaboration with the Brunswick County Parks & Recreation Department. Final site plan approval will include review by the Clean Water Management Trust Fund to be consistent with terms of the property transfer. Grant administration will be conducted by the Brunswick County Planning Department.

Commissioner Sue moved to approve and allocate matching grant funding and in-kind services for FY 2006-2007 NC Coastal Management Program Grant on behalf of the Brunswick County Planning Department for the Town Creek Nature Park and the associated budget amendment. The vote of approval was unanimous.

3. Operation Services – Solid Waste Management Plan 3-Year Update - (Jennifer Whitley)

Staff recommends that the Board of Commissioners adopt Brunswick County's proposed 10-year Solid Waste Management Plan 3-year Update as presented. **(EB52-7)**

Stephanie Lewis, Operation Services Assistant Director explained that NC DENR requires each county to have a Ten Year Solid Waste Management Plan. This plan outlines the county's plans and goals for solid waste management and reduction within the ten year time period. NC DENR also requires this plan to be updated every three years. Brunswick County's Solid Waste Management Plan 3 Year Update is now due; it has been updated and needs to be adopted. Once it is adopted by the County, it will then be sent to all municipalities so that they may adopt the plan also. The plan lists waste reduction and recycling strategies for Brunswick County, but in no way contracts or commits the County to these strategies.

The plan states that Brunswick County's per capita reduction goal by 2011 is 5% and by 2016 our goal is to reduce the per capita waste disposal rate by 7%. Some of our objectives that will help us to reach this goal include source reduction, an increase in recycling, and public education. These objectives are outlined in detail within the Solid Waste Management Plan.

Commissioner Moore moved to adopt the Resolution Accepting and Endorsing the Solid Waste Management Plan of 2016 for Brunswick County. The vote of approval was unanimous.

**RESOLUTION ACCEPTING AND ENDORSING THE SOLID WASTE MANAGEMENT PLAN
OF 2016 for BRUNSWICK COUNTY**

WHEREAS, it is a priority of this community to protect human health and the environment through safe and effective management of municipal solid waste;

WHEREAS, the reduction of the amount and toxicity of the local waste stream is a goal of this community;

WHEREAS, equitable and efficient delivery of solid waste management services is an essential characteristic of the local solid waste management system;

WHEREAS, it is a goal of the community to maintain and improve its physical appearance and to reduce the adverse effects of illegal disposal and littering;

WHEREAS, Brunswick County recognizes its role in the encouragement of recycling markets by purchasing recycled products;
WHEREAS, involvement and education of the citizenry is critical to the establishment of an effective local solid waste program;
WHEREAS, the State of North Carolina has placed planning responsibility on local government for the management of solid waste;
WHEREAS, NC General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to update the Ten Year Comprehensive Solid Waste Management Plan at least every three years;
WHEREAS, the Brunswick County Solid Waste Department has undertaken and completed a long-range planning effort to evaluate the appropriate technologies and strategies available to manage solid waste effectively;
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF Brunswick County.

That Brunswick County's 2016 Ten Year Comprehensive Solid Waste Management Plan is accepted and endorsed and placed on file with Clerk to the Board on this day, July 17, 2006.

s/David R. Sandifer, Chairman
ATTEST:
s/Deborah S. Gore, Clerk to the Board

4. EMS – Hazardous Material Grant Agreement – (*Randy Thompson*) (EB52-8)

Staff recommends that the Board of Commissioners approve the Hazardous Materials Planning Grant Agreement and the associated budget amendment between Brunswick County and the N.C. Division of Emergency Management.

Scott Garner, Fire Marshall explained that Brunswick County Emergency Services has received approval of a grant request from the State Division of Emergency Management. The grant award is in the amount of \$5,000.00 which has been designated for planning and conducting a Community Flow Study. Brunswick County last conducted a community flow study in 2001. The study will only focus on hazardous materials transports entering the county as outlined in the grant agreement.

This year EMS Staff will focus on three roadway routes and one rail route to broaden the scope of collection data. A formal final report will be prepared as the deliverable to the state. No additional county funds are required for this project.

Vice-Chairman Norris moved to approve the Hazardous Materials Planning Grant Agreement and the associated budget amendment between Brunswick County and the NC Division of Emergency Management. The vote of approval was unanimous.

5. Utilities – Equipment Purchase - (*Jerry Pierce*) (EB52-9)

Staff recommends that the Board of Commissioners approve the purchase of a Four-wheel Drive Tractor with Cab and 7-ft. Rotary Cutter for \$39,289.33 from V & M Supply.

Jerry Pierce, Utilities Director explained that on June 14 and 28, 2006, advertisements for bids were placed in The State Port Pilot and The Brunswick Beacon for a four-wheel drive tractor and rotary cutter to be used at the West Brunswick Drip Irrigation. V & M Supply submitted a bid for \$34,128 for the tractor, \$2,591 for the rotary cutter and sales tax of \$2,570.33 for a total bid of \$39,289.33.

Commissioner Moore moved to approve the purchase of Four-Wheel Drive Tractor with Cab and 7-ft. Rotary Cutter for \$39,298.33 from V&M Supply. The vote of approval was unanimous.

6. Finance – Financial Reports – Fourth Quarter FY 2006 – Cash Basis - (*Ann Hardy*)

Staff recommends that the Board of Commissioners accept the Fourth Quarter Financial Reports as presented.

Ann Hardy, Fiscal Operations Director presented the Financial Reports Fourth Quarter FY 2006 – Cash Basis to the Board. **(EB52-10)**

7. FY 2006-2006 Goals & Objectives – Fourth Quarter Report - (*Marty Lawing*)

Staff recommends that the Board of Commissioners received the Fourth Quarter Update for the FY 2005/2006 Goals & Objectives as information.

Marty Lawing, County Manager presented the Fourth Quarter Progress Report on FY 2005-2006 Major Goals and Objectives. **(EB52-11)**

8. West Brunswick Regional Wastewater Change Order #1 with R. H. Moore Co. Inc. (Added under Adjustments to the Agenda) (EB52-12)

Staff recommends that the Board of Commissioners approve the Final Adjusting Change Order for Contract No. 5 with R. H. Moore Co., Inc.

Marty Lawing, County Manager explained that Contract No. 5 for the West Brunswick Regional Wastewater Project consisted of the construction of 16", 18" and 20" sewer force mains and 16" and 18" reclaimed water mains on NC Highway 211 and Stone Chimney Road. The original contract price for contract No. 5 with R. H. Moore was \$7,432,901. By eliminating restrained joint piping and adjusting for final quantities, a price reduction of \$297,902 was realized. Additional costs were incurred for items unforeseen when the project started which increased costs by \$23,118.09. Some of the items included the NCDOT requiring the purchase and installation of rip rap for erosion control measures during construction in lieu of straw bales as indicated on the plans, additional pavement to replace asphalt at the entrance to Riversea and additional pavement due to a field change to comply with NCDOT requirements. Other value engineering items identified after the contract approval totaled \$18,992.00. Change Order No. 1 results in a total contract deduction of \$293,775.91 for a total final contract amount of \$7,139,125.09.

Commissioner Sue moved to approve the Final Adjusting Change Order (Change Order No. 1) on Contract No. 5 with R. H. Moore Co. Inc. for the West Brunswick Regional Wastewater Project. The vote of approval was unanimous.

9. Resolution for Oak Island and Sunset Beach Bridges (Added Under Adjustments to the Agenda) (EB52-13)

Steve Stone, Assistant County Manager explained that Staff learned through a media report that apparently the Oak Island and Sunset Bridge projects had been pushed back without any formal notification and asked the Board to consider approving a Resolution opposing the delays.

Commissioner Moore moved to approve a Resolution in Support of Any and All Actions Necessary to Ensure that the Oak Island and Sunset Beach Bridge Projects Proceed Without Further Delays. The vote of approval was unanimous.

RESOLUTION IN SUPPORT OF ANY AND ALL ACTIONS NECESSARY TO ENSURE THAT THE OAK ISLAND AND SUNSET BEACH BRIDGE PROJECTS PROCEED WITHOUT FURTHER DELAYS

WHEREAS, over the past 20 years the growth rate in Brunswick County has been more than twice the rate of the state as a whole; and

WHEREAS, the people of Brunswick County have waited patiently for an improved State Road Network in the County while other parts of the State have had numerous major highway improvements, some of which have been for convenience or economic development; and

WHEREAS, Brunswick County is home to a nuclear power plant and a major military munitions depot, either of which could necessitate rapid evacuations of our people; and

WHEREAS, the County is also prone to natural events, such as hurricanes, which also can trigger a need for rapid evacuations of people out of the area; and

WHEREAS, we now learn through a media report that two long delayed bridge projects in Brunswick County may yet again be delayed; and

WHEREAS, those two projects link two of our barrier islands to the mainland and with our explosive growth in population and tourism are critically and urgently needed for the safety and general welfare of the residents and visitors.

NOW THEREFORE LET IT BE RESOLVED, that the Brunswick County Board of Commissioners urges the Governor, our delegation to the General Assembly, the Secretary of Transportation, and the State Board of Transportation to immediately take any and all actions necessary to ensure that the Oak Island and Sunset Beach bridge projects proceed without any further delays.

This the 17th day of July, 2006.

s/David R. Sandifer, Chairman
Brunswick County Commissioners

Attest:

s/Deborah S. (Debby) Gore, Clerk to the Board, CMC

10. Resolution in Support of House Bill 1093 (Added Under Adjustments to the Agenda) (EB52-14)

Steve Stone, Assistant County Manager explained that House Bill 1093 is essentially designed to put a moratorium on new landfill permits in the state and would stop review of any such permits such as the ones submitted for Columbus, Brunswick, Hyde and Camden Counties.

Commissioner Sue moved to approve the Resolution in Support of House Bill 1093 "Moratorium Imposed on New Landfills". The vote of approval was unanimous.

RESOLUTION IN SUPPORT OF NC HOUSE BILL 1093 “MORATORIUM IMPOSED ON NEW LANDFILLS”

WHEREAS, Brunswick County is the proposed location of one of four massive landfills that have been proposed to be built in coastal North Carolina; and

WHEREAS, one of the other four proposed sites is just across our border in a neighboring jurisdiction; and

WHEREAS, Brunswick County has very high groundwater tables and is subject to torrential rainfall during tropical weather events, as well as during seasonal thunderstorm activity; and

WHEREAS, many of our people are still dependent upon private wells for potable water; and

WHEREAS, Brunswick County is home to one of the most diverse ecosystems in the eastern United States; and

WHEREAS, our State has no experience with the permitting or oversight of landfills of the magnitude of those currently proposed; and

WHEREAS, House Bill 1093 would impose a moratorium on the permitting of such landfills until January 1 2008 and would direct the Department of Environment and Natural Resources and the Environmental Review Commission to carefully study the relevant issues related to the permitting and operation of such mega-landfills in coastal environments; and

WHEREAS, we believe that the enactment of House Bill 1093 as currently written is in the best interest of the people of Brunswick County and coastal North Carolina.

NOW THEREFORE LET IT BE RESOLVED, that the Brunswick County Board of Commissioners urges our delegation and the other members of the General Assembly to act favorably upon House Bill 1093 without any conditions limiting its jurisdiction upon the four major landfills currently under review by the State.

This the 17th day of July, 2006.

s/David R. Sandifer, Chairman
Brunswick County Commissioners

Attest:

s/Deborah S. (Debby) Gore, Clerk to the Board, CMC

VIII. BOARD APPOINTMENTS

1. Child Fatality Prevention Team

Vice-Chairman Norris nominated Christine Ballou. Commissioner Moore moved to close the nominations. The vote of approval was unanimous. Commissioner Moore moved to approve the recommended appointment of Christine Ballou. The vote of approval was unanimous. Christine Ballou, RN will replace Warren Faulk as a Member of the Community.

2. 1.Fire Protection Oversight Committee

Vice-Chairman Norris nominated John W. Marlow. Commissioner Moore moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the appointment of John W. Marlow. Mr. Marlow will fill the unexpired term of Michael Allen that will expire July 1, 2007.

IX. COUNTY ATTORNEY’S REPORT

1. Closed Session

7:21 p.m. Commissioner Rabon moved to enter Closed Session pursuant to NCGS 143-318.11 (a) (3) (4) (5) and (6) Attorney/Client privilege to discuss privilege matters, to purchase Real Estate, business incentives and employment. The vote of approval was unanimous.

8:35 p.m. Reconvened

Chairman Sandifer called the Open Session back to order and announced that no action was taken in Closed Session.

X. OTHER BUSINESS/INFORMAL DISCUSSION

There was no other business to discuss.

XI. ADJOURNMENT

Commissioner Sue moved to adjourn the Regular Meeting at 8:35 p.m. The vote of approval was unanimous.

David R. Sandifer, Chairman

Deborah (Debby) Gore, Clerk to the Board